

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

CAMMI RAINER,

Plaintiff,

v.

No. 23-CIV-959 MV/GBW

DONALD CLAY CHENEY,

Defendant.

ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Gregory B. Wormuth's September 18, 2024, Proposed Findings and Recommended Disposition ("PFRD"). Doc. 39. In that PFRD, Judge Wormuth recommends that the Court grant Defendant [Cheney's] Motion to Dismiss for Plaintiff's Failure to Comply with the Court's Order to Show Cause (Doc. 38), dismiss Plaintiff's claims against Defendant Cheney with prejudice, and deny as moot Defendant [Cheney's] Motion to Dismiss (Doc. 34). *Id.* Judge Wormuth notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD and that failure to do so would waive appellate review. *Id.* at 7. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Wormuth's findings and recommendation.

IT IS THEREFORE ORDERED AS FOLLOWS:

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 39) is ADOPTED;
2. The Court GRANTS Defendant Cheney's Motion to Dismiss for Plaintiff's Failure to Comply with the Court's Order to Show Cause (Doc. 38), DISMISSES

this Defendant from the action, and DENIES AS MOOT Defendant Cheney's Motion to Dismiss (Doc. 34).



MARTHA VAZQUEZ
SENIOR UNITED STATES DISTRICT JUDGE